

REMARKS

The Office Action dated August 14, 2008 has been reviewed and carefully considered. Claims 1-6 and 8-11 remain pending. The current independent claims are 1 and 10. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 2, 4, 5, 8, 9, and 11 stand rejected under 35 USC 102(e) as being anticipated by Isozu, U.S. Patent No. 7,127,496. Claim 3 stands rejected under 35 USC 103(a) as being unpatentable over Isozu in view of Katz, U.S. Patent No. 7,103,906. Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Isozu in view of Bhagavath, U.S. Patent No. 6,829,781. Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Katz in view of Isozu.

Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for rejecting these claims.

Claim 1, as amended, recites:

1. A method for transmitting a user-specific program having program content to a user of a program content transmission system comprising:

transmitting a first part of the program content of the program to a first terminal unit of the user;

stopping the program transmission to the first terminal unit in accordance with a pre-determined procedural sequence when a first defined event occurs; and,

transmitting a second part of the program content to a second terminal unit of the user when a second defined event occurs, to continue the program transmission in accordance with a predetermined procedural sequence; wherein the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit.

As recited in his Abstract Isozu et al. relates to:

A system capable of switching terminals while continuously receiving data on terminals monitored by a relay device such as a gateway. In devices such as a gateway for relaying data, the session status of the terminal under control is monitored and the relay processing status of data received externally over a network is changed according to requests such as pause, list, resume and call from a terminal, and the dynamic data address is changed or the relay of data is temporarily halted (pause). The present structure allows the user (client) to change the terminal receiving the data and change the receive processing status so that data can be continuously received on the terminal used after switching terminals.

Isozu teaches a means to resume transmission of a data stream when the receiving user terminal is changed. However, Isozu fails to address the feature of wherein the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit. In the Office Action, the Examiner points to col. 12, lines 4-36 of Isozu as teaching this feature. This section of Isozu merely shows the mechanism whereby transmission of the data was resumed with terminal B as the new receiving terminal. It merely relates to processing an address change, and in particular:

“As a result, **the stream data that terminal A, 720 had received** via the gateway 710 is **received (Process (7) of FIG. 12) continuously by the terminal B, 730**” (col. 12, lines 34-36) [emphasis added].

Isozu fails to adapt program “content” as that term is used in the present invention. In particular, and as noted above, Isozu’s invention is directed to program content not being changed when the receiving terminal is switched.

The Office Action argues that the destination address change teaches the feature of the present invention wherein “the user-specific program and/or the program contents are adapted.” Applicants respectfully disagree, and will now address each of the cited elements of this claim feature.

Adapting “the user-specific program” (as such term is defined in the discussion in paragraph [0003] of the published application) is clearly not met by Isozu’s destination address change. That is, in the present invention the program information being transmitted, Isozu’s “data,” is being changed – which is incompatible with Isozu’s feature that “... **the stream data that terminal A, 720 had received** via the gateway 710 is **received (Process (7) of FIG. 12) continuously by the terminal B, 730**” (col. 12, lines 34-36) [emphasis added]; as noted above.

Similarly, Isozu's teaching of an address change fails to meet the claim feature of "adapting the program content" as the term "content" is employed in the present invention. By way of example, paragraph [0002] of the present invention states:

A program content transmission system refers to each system that sends preferably digital audio and/or visual contents such as films, shows, news, radio plays, music or multimedia content to its users, i.e. to its listeners and viewers respectively. The **program content can then be transmitted** in any desired way, wireless, for example via terrestrial and/or satellite-supported radio networks and/or wire-bound, for example, via broadband cables. **The program content, which is normally stored on a server of the program content transmission system** or generated "live", can be received accordingly by the users with the most varied devices and used in a most diverse way depending on the type of the program content.

Clearly, a distinction exists between the content (or data) being transmitted and the manner in which that transmission is effected (e.g., address fields). The Office Action argues that a destination address is program content, when such an interpretation is contrary to the above description, as well as the accepted meaning of that term. In the interests of furthering prosecution, Applicants have amended claim 1 in an effort to more clearly define the "content" of the program itself as being distinct from the manner in which such content is transmitted.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Isozu cannot be said to anticipate claim 1 of the present invention, because Isozu fails to disclose each and every element

recited. As shown, Isozu fails to disclose the limitation that "the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit" as is recited in claim 1.

Having shown that Isozu fails to disclose each and every element claimed, Applicants submit that the reason for the Examiner's rejection of claim 1 has been overcome and can no longer be sustained. Applicants respectfully request reconsideration, withdrawal of the rejection and allowance of claim 1.

Claim 10 of the present invention, contains features similar to those of claim 1 and in particular recites the feature that "the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit." As noted in the Office Action (1st full paragraph of Page 9) Katz fails to teach this feature of claim 10 of the present invention. The Office Action then relies on Isozu to teach this feature of the invention. For the reasons noted above, this argument is deficient as Isozu also fails to teach this feature.

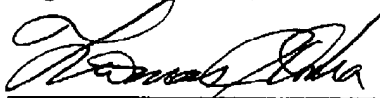
As the combination of Katz and Isozu fails to disclose each and every element claimed, Applicants submit that the reason for the Examiner's rejection of claim 10 has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claim 10.

With regard to claims 2-6, 8, 9 and 11, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-6, 8, 9 and 11 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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